

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERIC L. ESPINOZA,**

**Plaintiff,**

**vs.**

**No. CIV 09-0343 RB/WDS**

**BOARD OF COUNTY COMMISSIONERS  
OF RIO ARRIBA COUNTY, NEW MEXICO,  
Rio Arriba County Detention Center, a New Mexico  
Governmental Entity; BIDAL A. CANDELARIA,  
Individually and in his Official Capacity as Director,  
Rio Arriba County Detention Center; DENNIS R.  
HERRERA, Individually and in his Official Capacity  
as Assistant Administrator for Security, Rio Arriba  
County Detention Center; and EIGHT UNIDENTIFIED  
CORRECTIONS OFFICERS OF THE RIO ARRIBA  
COUNTY DETENTION CENTER, Individually and in  
their Official Capacities,**

**Defendants.**

**ORDER**

This matter came before the Court on Plaintiff's Motion to [sic] for an Order to Withdraw Orders and Vacate Motions (Doc. 94), filed on October 15, 2010. The subjects of this Motion are two Memorandum Opinions and Orders issued on October 6, 2010. The first Memorandum Opinion and Order (Doc. 91), granted Defendants' Motion for Attorneys' Fees. The second Memorandum Opinion and Order (Doc. 92), granted Defendants' Motion for Summary Judgment.

Plaintiff requests that the Court vacate the Memorandum Opinions and Orders of October 6, 2010. In support of this request, Plaintiff states that the parties settled the case on September 29, 2010.

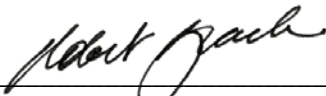
Plaintiff's request is not well-taken. The Court would have been more than happy to refrain from issuing the Memorandum Opinions and Orders if Plaintiff's counsel had the courtesy to inform

the Court that the case had settled. However, Plaintiff's counsel neglected to share this information with the Court in a timely manner. Due to counsel's failure to communicate critical information to the Court, considerable time and effort was expended by the Court in issuing its rulings. In that the parties did not inform the Court that a settlement had been reached before the rulings were issued, the rulings will stand.

Finally, counsel for the Plaintiff is admonished for an additional failure to abide by Local Rule 7.2. Despite defense counsel's refusal to consent to the relief sought by Plaintiff, Plaintiff's counsel submitted an order with his motion. Rules are to be followed and professional courtesy is expected at all times.

**THEREFORE,**

**IT IS ORDERED** that Plaintiff's Motion to [sic] for an Order to Withdraw Orders and Vacate Motions (Doc. 94), filed on October 15, 2010, is **DENIED**.

  
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**ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**